

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor George E. Meyer, Secretary William R. Selbig, Regional Director Oshkosh Service Center 905 Bay Shore Drive P.O. Box 2565 Oshkosh, Wisconsin 54903 Telephone 920-424-3050 FAX 920-424-4404

February 17, 1999

Major General James Blaney Wisconsin Department of Military Affairs P.O. Box 14587 Madison, WI 53714-0587

SUBJECT: Conditional Case Closure of

WI DMA Organizational Maintenance Shop #10, 663 Third Avenue, Oshkosh

WDNR BRRTS ID # 03-71-106790

Dear Major General Blaney:

The above referenced case file has been reviewed by the WDNR's Northeast Region Case Closure Committee. This panel reviews environmental remediation cases for compliance with state laws, standards, and guidelines to maintain consistency in the closeout of cases. After careful review, the Committee has decided to grant a *conditional* case closure. At this time, it appears that actions have been taken to the extent practicable to restore the environment and minimize the harmful effects from this discharge to the air, lands and waters of the state.

First Condition: Deed Restriction

The WDNR is requiring no further remedial action at this time; however, You must file the attached "Declaration of Restriction" with your county Register of Deeds office within 30 days and send proof of this filing to the Department within 60 days of the date of this letter. The attached restriction also includes maps that must be filed with the text. (The restriction is a Department standard format and has been drafted with oversight from Department attorneys. Please contact me if you have any questions or concerns regarding the restriction as written.)

Please note that case closure is dependent upon the filing of this deed restriction. If the restriction is not filed with the County Register of Deeds, the case remains active and continued sampling of the monitoring wells at the site will be required. A workplan of the sampling schedule and maintenance of the monitoring wells will be required within 90 days of the date of this letter if verification of the restriction filing is not received as indicated above.

Second Condition: Monitoring Well Abandonment

After filing the restriction with the county, all monitoring wells, sumps, and/or boreholes must be abandoned according to Chapter NR 141, Wisconsin Administrative Code, unless the wells are being used for data gathering for another nearby contaminant investigation. The abandonment forms (#3300-5B) should be sent to my attention.





Until verification of **both** the restriction and abandonment documentation is received, the DNR will continue to track this facility as an active BRR site.

Please be aware that this letter does not absolve the current or any future owner of this property, from future decisions regarding this site or impacts which may be discovered and/or traced to past or future activities at this site. If additional information in the future indicates that further investigation and/or remediation is warranted, the Department will require that appropriate action be taken at that time.

The Department appreciates your efforts to protect and restore the environment at this site. If you have any questions regarding this letter, please contact me at (920) 424-0399.

Sincerely,

Kathleen M. Sylvester, Hydrogeologist

Bureau for Remediation & Redevelopment

Whileshedgliert

cc: Case File - OSH

Wisconsin Department of Commerce, P.O. Box 7838, Madison, WI 53707-7838 Peter Schuster, Wisconsin Department of Military Affairs, P.O. Box 14587,

Madison, WI 53714-0587

David Nemctz, Liesch Environmental, 6000 Gisholt Drive, Suite 203, Madison, WI 53713

1952, between the State of Wisconsin, party of the first part, and the City of Oshkosh, a municipal corporation of Winnebago County, Wisconsin, duly organized and existing under and by virtue of the Statutes of Wisconsin, party of the second part.

and in consideration of the sum of One Dollar and other good and valuable consideration down by these presents quit of min, release and convey to said party of the second part and to its successors and assigns forever, the following described real estate located in Lot 6 according to Mapfor the Southwest Quarter (SW1) of Section 23, Town 16, Range 16 East, in the 6th ward of the City of Oshkosh, per Leach's map of 1894, Winnebago County, Wisconsin, being the Westerly extension of Third Street and bounded as follows:

On the north by the northerly line of Third Street extended west to the south east corner of Lot 1, Wentzels Subdivision;

And on the south by the Southerly line of Third Street extended west to the northeast corner of lot 14, Wentzels Subdivision;

On the east by the easterly line of Lot 6;

And on the west by the westerly line of said lot 6.

TO HAVE AND TO HOLD The above quit claimed premises together with all and singular the hereditaments and appurtenances
thereunto belonging or in anywise appertaining to said party of the
second part, its successors and assigns forever.

IN WITNESS WHEREOF, the said party of the first part
has caused these presents to be signed by the Adjutant General
this 23th day of warely. 1952 and approved by its Governor.

Signed and Scaled in the Presence of;

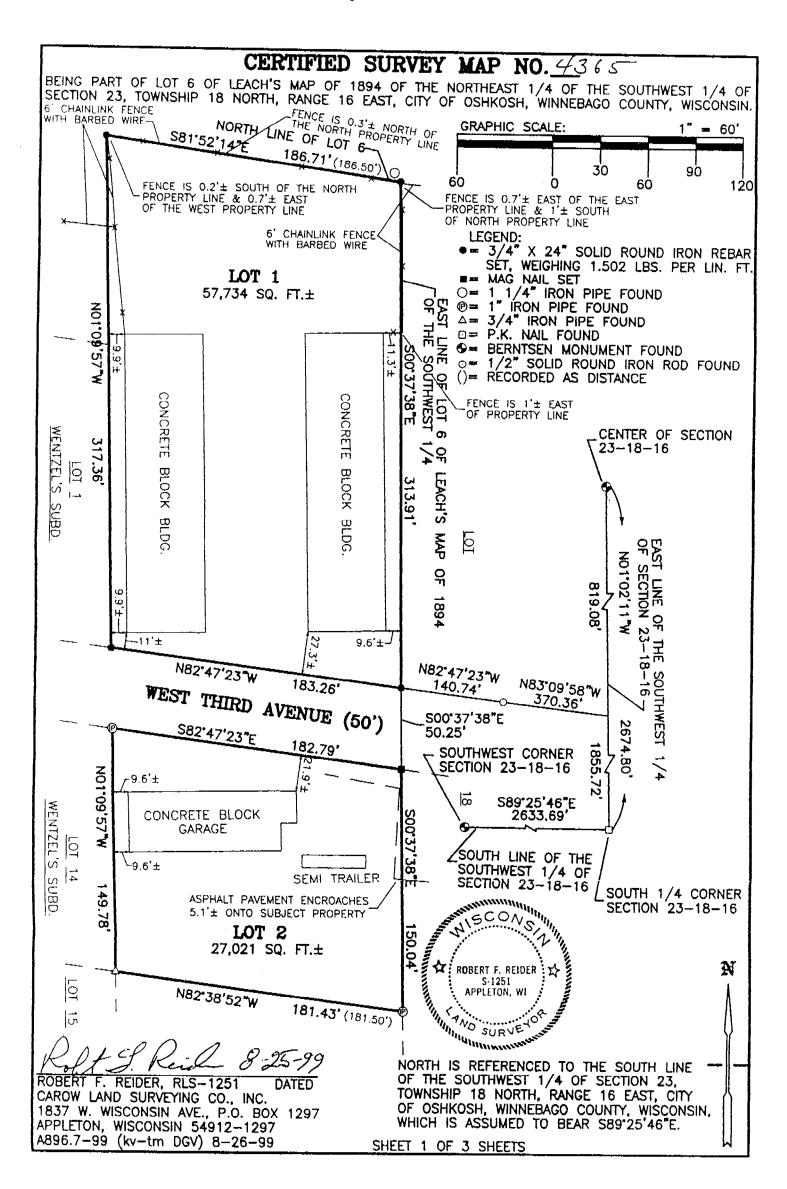
Augea Shum

STATE OF WISCONSIN (SEAL)

By: Jack Class



Figure 1



CERTIFIED SURVEY MAP NO. 4365

SURVEYOR'S CERTIFICATE:

I, ROBERT F. REIDER, REGISTERED WISCONSIN LAND SURVEYOR, CERTIFY THAT I HAVE SURVEYED, DIVIDED, AND MAPPED PART OF LOT 6 OF LEACH'S MAP OF 1894 THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4, SECTION 23, TOWNSHIP 18 NORTH, RANGE 16 EAST. CITY OF OSHKOSH, WINNEBAGO COUNTY, WISCONSIN, BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTH 1/4 CORNER OF SAID SECTION 23; THENCE N01-02-11W, 1855.72 FEET ALONG THE EAST LINE OF THE SOUTHWEST 1/4 OF SECTION 23 TO THE EASTERLY EXTENSION OF THE NORTH LINE OF THIRD STREET; THENCE N83-09-58W, 370.36 FEET ALONG SAID EXTENSION AND ALONG THE NORTH LINE OF THIRD STREET; THENCE N82-47-23W, 140.74 FEET ALONG SAID NORTH LINE TO THE EAST LINE OF LOT 6 OF LEACH'S MAP OF 1894 OF THE SOUTHWEST 1/4 AND TO THE POINT OF BEGINNING; THENCE S00-37-38E, 50.25 FEET ALONG SAID EAST LINE TO THE SOUTH LINE OF THIRD STREET, THENCE CONTINUING S00-37-38E, 150.04 FEET ALONG SAID EAST LINE; THENCE N82-38-52W, 181.43 FEET (RECORDED AS 181.50 FEET) TO THE EAST LINE OF LOT 14, WENTZEL'S SUBDIVISION; THENCE NO1-09-57W, 149.78 FEET ALONG SAID EAST LINE TO THE SOUTH LINE OF THIRD STREET, THENCE S82-47-23E, 182.79 FEET ALONG SAID SOUTH LINE, THENCE N00-37-38W, 50.25 FEET TO THE NORTH LINE OF THE THIRD STREET; THENCE N82-47-23W, 183.26 FEET ALONG SAID NORTH LINE TO THE EAST LINE OF LOT 1, WENTZEL'S SUBDIVISION; THENCE N01-09-57W, 317.36 FEET ALONG SAID EAST LINE AND ITS EXTENSION NORTHERLY TO THE NORTH LINE OF LOT 6 OF LEACH'S MAP OF 1894 OF THE SOUTHWEST 1/4; THENCE S81-52-14E, 186.71 FEET (RECORDED AS 186.50 FEET) ALONG SAID NORTH LINE TO THE EAST LINE OF SAID LOT 6; THENCE S00-37-38E, 313.91 FEET ALONG SAID EAST LINE TO THE POINT OF BEGINNING. SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD

THAT I HAVE MADE SUCH SURVEY UNDER THE DIRECTION OF LIESCH ENVIRONMENTAL SERVICES, INC., ATTENTION DAVE NEMETZ, 6000 GISHOLT DRIVE, SUITE 203, MADISON, WISCONSIN 53713.

THAT THIS MAP IS A CORRECT REPRESENTATION OF THE EXTERIOR BOUNDARY LINES OF THE LAND SURVEYED.

THAT I HAVE FULLY COMPLIED WITH THE PROVISIONS OF CHAPTER 236.34 OF THE WISCONSIN STATUTES AND THE SUBDIVISION ORDINANCE OF THE CITY OF OSHKOSH.

ROBERT F. REIDER XI
S-1251
APPLETON, WI

NO SURVE
OR

NO

ROBERT F. REIDER, RLS-1251 DATED CAROW LAND SURVEYING CO., INC. P.O. BOX 1297, 1837 W. WIS. AVE. APPLETON, WISCONSIN 54912-1297 A896.7-99 (kv tm RFR) 8-26-99

PLAN COMMISSION CERTIFICATE:

THIS CERTIFIED SURVEY MAP WAS APPROVED BY THE PLAN COMMISSION OF THE CITY OF OSHKOSH ON THIS 10 H DAY OF 500. 1999.

PRINCIPAL PLANNER, CITY OF OSHKOSH

SHEET 2 OF 3 SHEETS

CERTIFIED SURVEY MAP NO. 4365

OWNER'S CERTIFICATE:

AS OWNER(S), I(WE) HEREBY CERTIFY THAT I(WE) CAUSED THE LAND DESCRIBED ON THIS CERTIFIED SURVEY MAP TO BE SURVEYED, DIVIDED AND MAPPED AS REPRESENTED HEREON. I(WE) ALSO CERTIFY THAT THIS MAP IS REQUIRED BY S.236.10 OR 236.12 OF THE WISCONSIN STATUTES TO BE SUBMITTED TO THE FOLLOWING FOR APPROVAL: CITY OF OSHKOSH.

WITNESS THE HAND AND SEAL OF SAID OWNER(S) THIS 3 DAY OF Sep

JEFFREY J. LIETHEN, LTC.

STATE OF WISCONSIN)

Danger)

COUNTY OF WINNEBAGO)

PERSONALLY CAME BEFORE ME THIS 30 DAY OF Expression, 1999, THE ABOVE NAMED PERSON(S) TO ME KNOWN TO BE THE PERSON(S) WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THE SAME.

NOTARY PUBLIC:

MY COMMISSION EXPIRES 10 Dermanent

TRÉASURER CERTIFICATE:

I HEREBY CERTIFY THAT THERE ARE NO UNPAID TAXES OR UNPAID SPECIAL ASSESSMENTS ON ANY OF THE LAND INCLUDED ON THIS CERTIFIED SURVEY MAP.

CITY TREASURER

<u>9/15/9 9</u> DATED

COUNTY TREASURER

DATED

ROBERT F. REIDER ST251
APPLETON, WI

SURVE OF SURVE

ROBERT F. REIDER, RLS-1251 DATED CAROW LAND SURVEYING CO., INC.
1837 W. WISCONSIN AVE., P.O. BOX 1297
APPLETON, WISCONSIN 54912-1297

A896.7-99 (kv tni RFR) 8-26-99

SHEET 3 OF 3 SHEETS

1. 27 3 1 28

PEGLETER'S OFFICE
WINNEBAGO COUNTY, WI
RECORDED ON

09-17-1999 03:34 PM

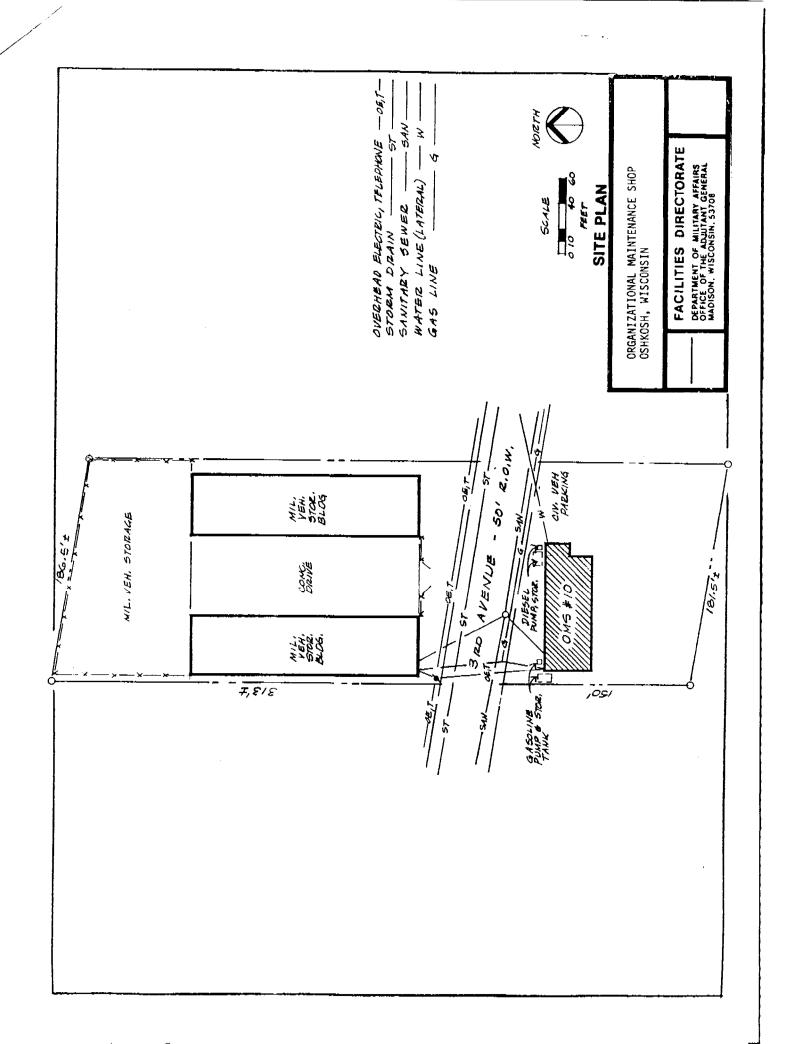
09-17-1999 03:34 PM

U.L. / PA. 43 6 S

SUSAN WINNINGHOFF
REGISTER OF DEEDS

RECORDING FEE 14.00

TRANSFER FEE
OF PRGES 3





GROUNDWATER USE RESTRICTION

Declaration of Restrictions

In Re: Real estate located at 663 Third Avenue, Oshkosh, Wisconsin; also as described in Certified Survey Map No. 4365, recorded as document #1073108 on September 17, 1999 in the records of the Register of Deeds for Winnebago County, Wisconsin in Vol. 1, at pg. 4365. (See Copy Attached as Figure 1).

mapy contented as Figure 1).

COUNTY OF WINNEBAGO

STATE OF WISCONSIN

WHEREAS, the State of Wisconsin Department of Military Affairs the owner of the above-described property.

SS

WHEREAS, one or more petroleum related discharges have occurred on this property. Petroleum related contaminated groundwater above NR 140 enforcement standards exists on the property at the following location:

Benzene at concentrations of 15 micrograms per liter and located at boring B-11 in Tank Area A – See Figure 2 hereby attached and made a part of this restriction.

1086148

REGISTER'S OFFICE WINNEBAGO COUNTY, WI RECORDED ON

02-14-2000 09:44 AM

SUSAN WINNINGHOFF REGISTER OF DEEDS

RECORDING FEE TRANSFER FEE # OF PAGES

20.00 6

Recording Area

Name and Return Address
Witay Afford

20 Box 14587 Madison w. 53714-058

Parcel Identification Number (PIN)

WHEREAS, it is the desire and intention of the property owner to impose on the property restrictions which will make it unnecessary to conduct further soil or groundwater remediation activities on the property at the present time.

NOW THEREFORE, the owner hereby declares that all of the property described above is held and shall be held, conveyed or encumbered, leased, rented, used, occupied and improved subject to the following limitation and restrictions:

Anyone who proposes to construct or reconstruct a well on this property is required to contact the Department of Natural Resources' Bureau of Drinking Water and Groundwater, or its successor agency, to determine what specific prohibitions or requirements are applicable, prior to constructing or reconstructing a well on this property. No well may be constructed or reconstructed on this property unless applicable requirements are met.

This restriction is hereby declared to be a covenant running with the land and shall be fully binding upon all persons acquiring the above-described property whether by descent, devise, purchase or otherwise. This restriction inures to the benefit of and is enforceable by the Wisconsin Department of Natural Resources, its successors or assigns. The Department, its successors or assigns, may initiate proceedings at law or in equity against any person or persons who violate or are proposing to violate this covenant, to prevent the proposed violation or to recover damages for such violation.

Any person who is or becomes owner of the property described above may request that the Wisconsin Department of Natural Resources or its successor issue a determination that one or more of the restrictions set forth in this covenant is no longer required. Upon the receipt of such a request, the Wisconsin Department of Natural Resources shall determine whether or not the restrictions contained herein can be extinguished. If the Department determines that the restrictions can be extinguished, an affidavit, with a copy of the Department's written determination, may be recorded to give notice that this deed restriction, or portions of this deed restriction, are no longer binding.

By signing this document, Major General James G. Blaney asserts that he is duly authorized to sign this document on behalf of Sate of Wisconsin Department of Military Affairs.

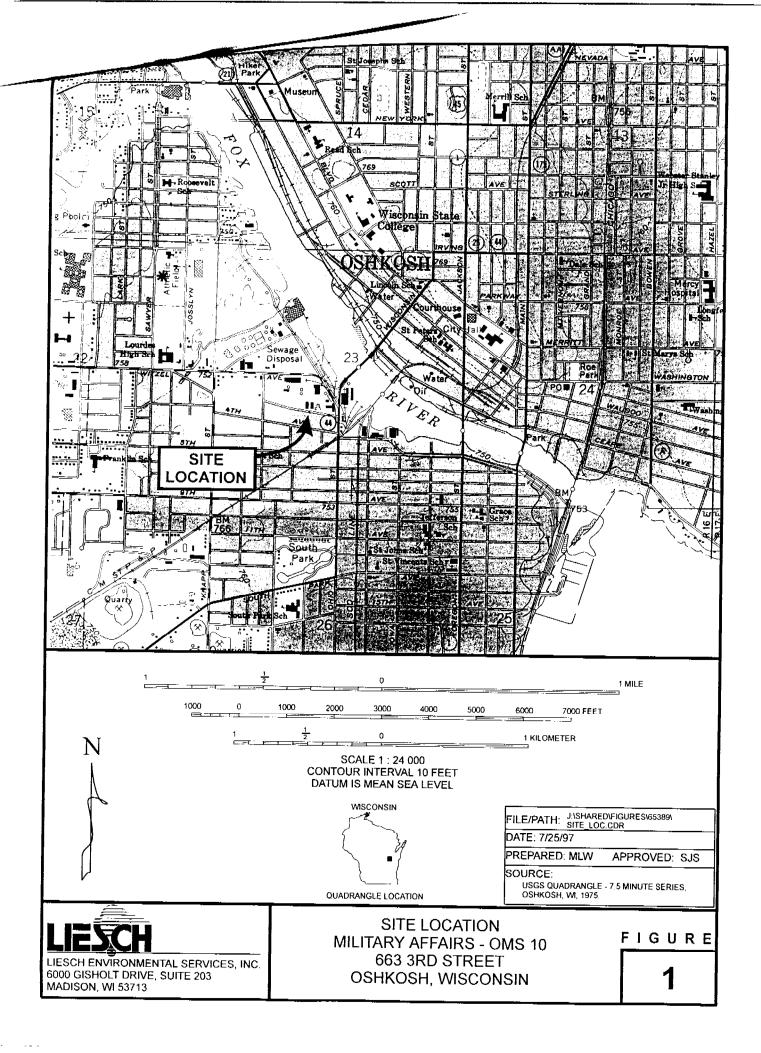
IN WITNESS WHEREOF, the owner of the property hereby executes this Declaration of Restrictions, this 31st day of

Subscribed and sworn to before me

My commission is Persument

ball

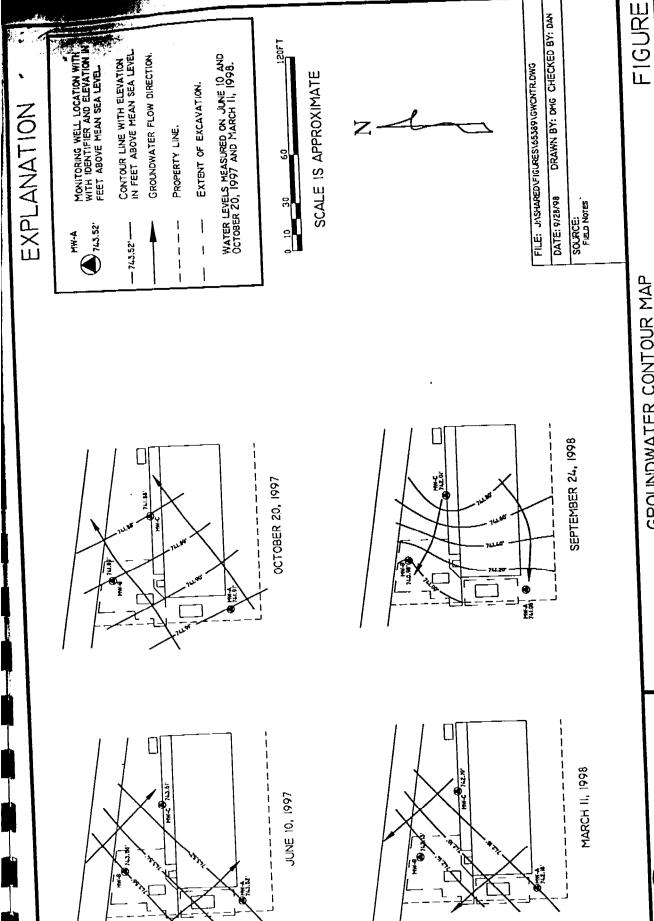
This document was drafted by the Wisconsin Department of Natural Resources.



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TABLES



GROUNDWATER CONTOUR MAP MILITARY AFFAIRS - OMS 10 663 THIRD AVENUE OSHKOSH, WISCONSIN

LIESCH ENVIRONMENTAL SERVICES, INC. 6000 GISHOLT DRIVE, SUITE 203 MADISON, WI 53713

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Table 2 Historical Groundwater Laboratory Analytical Results

Military Affairs--OMS 10 663 Third Avenue

Oshkosh, Wisconsin

Blooking (Garady B10) GP DATE UNITS MW-A MW-B MW-C PAL E\$ Gasoline Range Organics GRQ 11/20/96 ppb NI 22,000 NI NI 6/10/97 ppb <100 <100 <100 Diesel Range Organics DRO 11/20/96 NI ppb NI NI 6/11/97 ppb <100 <100 <100 Volatiles BENZENE 11/20/96 ppb NI 1.200 NI NI 0.5 5 6/10/97 0.235* ppb 1.12 0.41* 0.5 3/11/98 ppb < 0.30 < 0.30 < 0.30 0.5 5 9/24/98 < 0.30 ppb < 0.30 < 0.30 0.5 مينكبه n-BUTYLBENZENE 11/20/96 NI ppb NI NI 6/10/97 < 0.38 ppb 1.4 < 0.38 3/11/98 ppb 0.4* 80 0.3* < 0.30 9/24/98 <0.30 ppb 23 < 0.30 < 0.30 sec-BUTYLBENZENE 11/20/96 NI NI ppb NI 6/10/97 ppb < 0.6 0.7 < 0.6 3/11/98 ppb < 0.20 19 < 0.20 <0.20 9/24/98 < 0.20 ppb 6.0* 0.30* < 0.20 1,2-DICHLOROETHANE 11/20/96 ppb N! NI NI 6/10/97 < 0.14 0.24* ppb < 0.14 3/11/98 < 0.20 <0.5 ppb < 0.20 <0.20 9/24/98 < 0.20 <2.0 ppb < 0.20 <0.20 **ETHYLBENZENE** 2780 11/20/96 ppb NI NI NI 140 **-2002** 6/10/97 < 0.68 ppb 1.5 <0.68 140 700 3/11/98 ppb < 0.20 11 <0.20 <0.20 140 700 9/24/98 ppb < 0.20 2.0* < 0.20 <0.20 700 140 **ISOPROPYLBENZENE** 11/20/96 ppb NI ΝI ΝI 6/10/97 < 0.38 ppb 0.55 <0.38 ppb 3/11/98 < 0.20 8.0 < 0.20 <0.20 9/24/98 < 0.20 5.0* ppb 0.40*< 0.20 p-ISOPROPYLTOLUENE 11/20/96 ppb NI NI NI 6/10/97 ppb < 0.37 < 0.37 < 0.37 3/11/98 < 0.20 14 < 0.20 ppb < 0.20 9/24/98 ppb < 0.20 5.0* < 0.20 <0.20

Table 2 Historical Groundwater Laboratory Analytical Results Military Affairs--OMS 10 663 Third Avenue Oshkosh, Wisconsin

	DATE	UNITS	MW-A	GP	MW-B	MW-C	PAL	ES
METHYL TERT-BUTYL ETHER	11/20/96	ppb	NI	-40				
	6/10/97	ppb	<0.21	<10	Ni	NI	12	60
	3/11/98		<0.21	7.0	0.216*	2.6	12	60
	9/24/98	ppb		7.0	<0.20	1.2	12	60
	3/24/30	ppb	0.80	<2.0	1.2	2.2	12	60
NAPHTHALENE	11/20/96	ppb	NI		NI	NI	8	40
	6/10/97	ppb	<1		1.51*	<1	8	40
	3/11/98	ppb	<1.1	20	<1.1	<1.1	8	
	9/24/98	ppb	<1.1	i iE	<1.1	<1.1	8	40.3
n-PROPYLBENZENE	11/20/96	ppb	NI NI		NI	NI		<u> </u>
	6/10/97	ppb	<0.4		1.1	<0.4	-	-
	3/11/98	ppb	<0.20	15	<0.20		-	-
	9/24/98	ppb	<0.20	3.0*	<0.20	<0.20 <0.20	-	-
			0.20	0.0	10.20	~ 0.20	-	•
TOLUENE	11/20/96	ppb	Ni	#1800#	NI	NI	68.6	343
	6/10/97	ppb	<1.5		<1.5	<1.5	68.6	343
	3/11/98	ppb	<0.20	3.0	<0.20	<0.20	68.6	343
	9/24/98	ppb	<0.20	<2.0	<0.20	<0.20	68.6	343
1,2,4-TRIMETHYLBENZENE	11/20/96	ppb	NI	1,100	NI	NI		
	6/10/97	ppb	<1	.,	2.6	<1	_	•
	3/11/98	ppb	<0.60	120	<0.60	<0.60	-	. •
	9/24/98	ppb	<0.60	11*	<0.60	<0.60	-	-
4.0.6.70045710.6.7								
1,3,5-TRIMETHYLBENZENE	11/20/96	ppb	NI	420	NI	NI	-	
	6/10/97	ppb	<0.86		1.3	<0.86	-	_
	3/11/98	ppb	<0.30	35	<0.30	<0.30	-	-
	9/24/98	ppb	<0.30	<3.0	<0.30	<0.30	-	-
XYLENES (total)	11/20/96	ppb	NI .	EE-0000	, NI	NI	124	620
	6/10/97	ppb	<1.78		2	<1.78	124	620
	3/11/98	ppb	<0.80	51	<0.80	<0.80	124	620
	9/24/98	ppb	<0.80	7.0*	<0.80	<0.80	124	620
Metals								-
LEAD	11/20/96	ppb	NI		NI	NI	1 5	45
	6/10/97	ppb	<1		<1	141	1.5	15
	3/11/98	ppb 🖁	72	304	420		1.5	15
	9/24/98	ppb ⊯	<1	<1	×34 ×30 <1	<1	1.5	.15 ,
		-h	-,	-,	~ I	~1	1.5	15

Table 2 Historical Groundwater Laboratory Analytical Results Military Affairs-OMS 10 663 Third Avenue Oshkosh, Wisconsin

DATE	UNITS	_MW-A	GP	MW-B	MW-C	PAL	ES

NOTES:

PAL

NR 140 Preventive action limit

ES

NR 140 Enforcement standard

No PAL or ES established

NS-FP

Not sampled - free product

NI

Not installed yet

GP

Geoprobe boring within former excavation: B-2 (11/20/96); B-10 (3/11/98); B-11 (9/24/98).

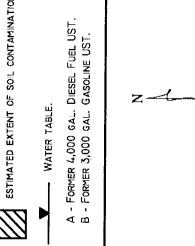
Value between limit of detection and limit of quantification.

Results in BOLD highlight indicate contaminant above NR 140 ES

Results in italicized highlight indicate contaminant above NR 140 PAL

Blank cell indicates analysis not conducted.

ESTIMATED EXTENT OF SOIL CONTAMINATION A - FORMER 4,000 GAL. DIESEL FUEL UST. B - FORMER 3,000 GAL. GASOLINE UST. **EXPLANATION** WEATHERED SANDSTONE SANDSTONE BEDROCK - WATER TABLE. OL - ORGANIC CLAY ML - CLAYEY SILT GRAVEL FILL SAND FILL $\left| \frac{1}{4} \right|$ 40F T NORTH -< SCALE IS APPROXIMATE 읪 VERTICAL EXAGGERATION: 2x < SOUTH ⋖



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DRAWN BY: MLW CHECKED BY: DAN FILE: J:\SHARED\FIGURES\65389\PREXSEC.DWG DATE: 1/27/98 SOURCE: FIELD NOTES

LIESCH ENVIRONMENTAL SERVICES, INC. 6000 GISHOLT DRIVE, SUITE 203 MADISON, WI 53713

PRE-REMEDIATION CROSS-SECTION MILITARY AFFAIRS - OMS 10 663 THIRD STREET OSHKOSH, WISCONSIN

FIGURE

